

**SUPREME COURT MINUTES
MONDAY, FEBRUARY 4, 2008
SAN FRANCISCO, CALIFORNIA**

S029489**PEOPLE v. HOWARD
(ALPHONSO)**

Opinion filed: Judgment affirmed in full

Majority opinion by: Corrigan, J.

-----joined by: George, C. J., Baxter, Werdegar, and Chin, JJ.

Concurring and dissenting opinion by: Kennard, J.

-----joined by: Moreno, J.

S153934**BRIGNAC (LAWRENCE) ON
H.C.**

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S158738**JONES (LEVAR EMERON)
ON H.C.**

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is withdrawn.

S159484**COLLIER (GREGORY O.) ON
H.C.**

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is withdrawn.

S033901**PEOPLE v. THOMPSON
(CATHERINE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Gail R.

Weinheimer's representation that she anticipates filing the appellant's reply brief by October 2008, counsel's request for an extension of time in which to file that brief is granted to April 7, 2008. After that date, only three further extensions totaling about 180 additional days are contemplated.

S048543**PEOPLE v. ROUNTREE
(CHARLES F.)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Hensley's representation that he anticipates filing the appellant's opening brief by July 1, 2008, counsel's request for an extension of time in which to file that brief is granted to March 28, 2008. After that date, only two further extensions totaling about 95 additional days are contemplated.

S053228**PEOPLE v. ALEXANDER
(ANDRE S.)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Susan Ten Kwan's representation that she anticipates filing the appellant's supplemental reply brief by April 8, 2008, counsel's request for an extension of time in which to file that brief is granted to April 8, 2008. After that date, no further extension is contemplated.

S065573**PEOPLE v. BECERRA
(FRANK KALIL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Susan S. Kim's representation that she anticipates filing the respondent's brief by April 6, 2008, counsel's request for an extension of time in which to file that brief is granted to April 7, 2008. After that date, no further extension is contemplated.

S076334**PEOPLE v. ARISMAN
(DAVID WAYNE)**

Extension of time granted

Good cause appearing, and based upon Chief Assistant State Public Defender Donald Ayoob's representation that he anticipates filing the appellant's opening brief within five days after this court's order ruling on appellant's pending motion to unseal records in this matter, counsel's request for an extension of time in which to file that brief is granted to February 29, 2008. After that date, no further extension is contemplated.

S076337**PEOPLE v. CHARLES III
(EDWARD)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s, representation that he anticipates filing the appellant's opening brief by April 7, 2008, counsel's request for an extension of time in which to file that brief is granted to April 7, 2008. After that date, no further extension is contemplated.

S077033**PEOPLE v. DUENAS
(ENRIQUE PARRA)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald F. Turner's representation that he anticipates filing the appellant's opening brief by April 4, 2008, counsel's request for an extension of time in which to file that brief is granted to April 4, 2008. After that date, no further extension is contemplated.

S086234**PEOPLE v. MILES (JOHNNY
DUANE)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the appellant's opening brief by February 15, 2009, counsel's request for an extension of time in which to file that brief is granted to April 4, 2008. After that date, only five further extensions totaling about 310 additional days are contemplated.

S086578**PEOPLE v. LOOT
(KENDRICK) & MILLSAP
(BRUCE)**

Extension of time granted

On application of appellant Bruce Millsap and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 1, 2008.

S087533**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing appellant Byron Wilson's opening brief by September 10, 2008, counsel's request for an extension of time in which to file that brief is granted to April 8, 2008. After that date, only three further extensions totaling about 150 additional days are contemplated.

S103358**PEOPLE v. BARRERA
(MARCO ESQUIVEL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Daniel Gunther's representation that he anticipates filing the appellant's opening brief by June 2009, counsel's request for an extension of time in which to file that brief is granted to April 8, 2008. After that date, only seven further extensions totaling about 420 additional days are contemplated.

S148523**RICHARDSON (CHARLES
KEITH) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Karen Kelly's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 17, 2008, counsel's request for an extension of time in which to file that document is granted to March 17, 2008. After that date, no further extension is contemplated.

S154076 B182885 Second Appellate District, Div. 8**MANCO CONTRACTING CO.
v. BEZDIKIAN (KIRKOR)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's answer brief on the merits is extended to February 18, 2008. No further extension is contemplated.

S155965 C054185 Third Appellate District**ARIAS (JOSE A.)v. S.C.
(ANGELO DAIRY)**

Extension of time granted

On application of real parties in interest and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 10, 2008.

S157151 D048654 Fourth Appellate District, Div. 1

**L. (JOHN),
CONSERVATORSHIP OF**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended March 7, 2008.

S157917

**DAVIS (RICHARD ALLEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Senior Assistant Attorney General Ronald S. Matthias's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 4, 2008, counsel's request for an extension of time in which to file that document is granted to April 4, 2008. After that date, no further extension is contemplated.

S159956 H027685 Sixth Appellate District

**SCHMIDLIN (MICHAEL) v.
CITY OF PALO ALTO**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant Michael Schmidlin's answer to petition for review is extended to February 7, 2008.

S157980 B192331 Second Appellate District, Div. 8

**PEOPLE v. MOYE
(ALEXANDER)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Patricia Ann Scott is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before 30 days from the date respondent's opening brief on the merits is filed.

S158717 C053912 Third Appellate District

**PEOPLE v. ZEPEDA
(CECELIA)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Randy Kravis is hereby appointed to represent appellant on the appeal now pending in this court.

S158821 B186141 Second Appellate District, Div. 6 **PEOPLE v. VENZOR
(CHARLES DAVID)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Linda C. Rush is hereby appointed to represent appellant on the appeal now pending in this court.

S159949 **PEOPLE v. WILSON
(JACKIE)**

Transferred to CA 1

for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S160093 **MCCULLOCK (ROBERT J.)
v. YATES (PEOPLE)**

Transferred to CA 5

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District.

S160175 **PEOPLE v. JIMMERSON
(BOBBY J.)**

Transferred to CA 4/2 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S160195 **MILBRY (DARRYL) v. S.C.
(PEOPLE)**

Transferred to CA 4/2

The above entitled- matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

S160200 **MARTINEZ (JOSE ELIAS) v.
S.C. (PEOPLE)**

Transferred to CA 4/3 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S148485**KRAYEVSKY ON
DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and DMITRY DAVID KRAYEVSKY, State Bar No. 192548, must be actually suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit toward the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on October 22, 2007 (Business and Professions Code section 6007(d)(3)). Respondent is ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S158728**LOGAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JOHN THOMAS LOGAN, State Bar No. 66623, be suspended from the practice of law for four years and until he provides satisfactory proof to the Office of Probation that he has made specified restitution and has complied with any fee arbitration award, decision or final determination as recommended by the Hearing Department of the State Bar Court in its Decision filed on September 25, 2007, and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that respondent be placed on probation for five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct and until respondent has made restitution as follows:

- (1) to Chantelle Stone in the amount of \$5,000 plus 10 percent interest per annum from March 1, 2001;
- (2) to Carlos Armendariz in the amount of \$2,000 plus 10 percent interest per annum from June 1, 2001;
- (3) to Linda Taylor in the amount of \$5,000 plus 10 percent interest per annum from April 1, 2001;
- (4) to Antonio Lopez in the amount of \$2,700 plus 10 percent interest per annum from June 1, 2001;

- (5) to Tanya Plascentia in the amount of \$2,000 plus 10 percent interest per annum from July 1, 2001;
- (6) to Rigaberto Salcido in the amount of \$2,200 plus 10 percent interest from August 1, 2000;
- (7) to Paula Kusmierz in the amount of \$5,000 plus 10 percent interest per annum from March 1, 1999; (8) to Enrigueta Branch in the amount of \$2,500 plus 10 percent interest per annum from August 1, 2000;
- (9) to Robert Nelson in the amount of \$865.27. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
- *(See Bus. & Prof. Code, Section 6126, subd. (c).)

S158731**CLARK ON DISCIPLINE**

Recommended discipline imposed

It is ordered that MILES CLARK III, State Bar No. 213663, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 9, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2009, 2010, and 2011. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rule. Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S158733**MCCONNELL ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that ROBERT M. McCONNELL, State Bar No. 203555, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Decision filed on October 9, 2007. It is also ordered that credit toward the period of actual suspension be given for the period of interim suspension, which was in effect from May 26, 2004, through October 1, 2004. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S158734**CAMERON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that STEVEN RICHARD CAMERON, State Bar No. 93594, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 9, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S158735**ACOSTA ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of PHILIP H. ACOSTA, State Bar No. 59056, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd., (c).)

S158737**ROGERS ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of JARVIS RICHARD ROGERS, State Bar No. 52744, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code § 6126, subd., (c).)

S158741**REICH ON RESIGNATION**

Resignation declined

This court having received and considered the voluntary resignation of PERRY SETH REICH, State Bar No. 96618, as a member of the State Bar of California, declines to accept the resignation. (Cal. Rules of Court, rule 9.21(d).)